

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Daniel E. Chase, Steven J. Meister,
William David, Jay Andrews, Raymond
Tetrault, Sally N. Tretault, Norman
O. Tretault, Rita J. Tretault, and
Steven J. Sadowski, individuals,

Plaintiffs,
v.

ORDER
Civ. No. 05-3010 ADM/AJB

Neulan D. Midkiff, Neulan David Midkiff,
Jr., Donna Midkiff, individuals; Central
Financial Services, LLC; and Joshua Tree
Group, LLC, a Nevada limited liability
company,

Defendants.

Thomas E. Borton IV, Esq., Troutman Sanders LLP, Atlanta, GA, by special appearance on behalf of S. Gregory Hays.

Before the Court is S. Gregory Hays' ("Hays") Motion to Appear by Special Permission and Notice of Stay. Hays is a federally appointed Receiver for two of the Defendants in this matter, Neulan D. Midkiff and Joshua Tree Group, LLC. Hays' counsel, Thomas E. Borton IV ("Borton"), seeks to specially appear in this matter to file Hays' Notice of Stay. The Stay is sought to await the outcome of another case, Securities and Exchange Commission v. Correll, No. 4:05cv472 (E.D. Tex. filed Dec. 7, 2005). The basis of the Stay is a Receivership Order entered in the Correll case by the Honorable Richard A. Schell of the United States District Court for the Eastern District of Texas, staying and restraining any legal actions for damages against Neulan D. Midkiff and Joshua Tree Group, LLC.

Borton avers that due to a recent stroke, Plaintiffs' current counsel, Peter G. Hill, is

currently unable to represent his clients in this matter. Borton is unaware of anyone else appearing to represent Plaintiffs, and does not know if his Notice of Stay is opposed. In light of the circumstances, Borton proposes that the Court grant the Notice of Stay on the condition that Mr. Hill or Plaintiffs' new counsel will be allowed additional opportunity in the future to oppose the Notice of Stay if he or she wishes to do so.

In consideration of the above referenced factors, Hays' Motion to Appear by Special Permission for Thomas E. Borton IV is **GRANTED**. Hays' Notice of Stay is **GRANTED**, on the condition that Plaintiffs may seek reconsideration of this Order without prejudice to having not initially opposed it.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: August 11, 2006.